

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Michelle J. Bergschwenger,

Plaintiff,

v.

Case No. 11-11752  
Honorable Sean F. Cox

Commissioners of Social Security,

Defendant.

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**ORDER**  
**ACCEPTING AND ADOPTING REPORT & RECOMMENDATION**

Plaintiff brought this action seeking judicial review of the Commissioner's unfavorable decision disallowing benefits. Thereafter, the matter was referred to Magistrate Judge Michael Hluchaniuk for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C). Thereafter, the parties filed cross motions for summary judgment.

In a Report and Recommendation ("R&R") issued on August 20, 2012, Magistrate Judge Hluchaniuk recommends that this Court Deny Defendant's Motion for Summary Judgment. The R&R also recommends that Plaintiff's Motion for Summary Judgment be granted, that the findings of the Commissioner be reversed, and that benefits be awarded. (R&R at 2). As explained in the R&R, Magistrate Judge Hluchaniuk's concludes that "the ALJ's decision is plainly not supported by substantial evidence." (R&R at 33). He also concludes that the record "reveals an apparent bias against and hostility toward plaintiff" by the ALJ that presided over

this matter. (R&R at 36).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that the Commissioner has not filed any objections to the R&R.

The Court hereby ADOPTS the August 20, 2012 R&R. IT IS ORDERED that Defendant’s Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment is GRANTED, that the findings of the Commissioner are REVERSED, and that benefits be AWARDED.

IT IS SO ORDERED.

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: September 12, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 12, 2012, by electronic and/or ordinary mail.

S/Jennifer McCoy  
Case Manager